



02 - 28 '00

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*HB*PATENT
Attorney Docket No: 101.0084-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The application of:

Gary K. Michelson

Serial No: 09/457,228

Filed: December 8, 1999

For: SPINAL IMPLANT SURFACE
CONFIGURATION

Art Unit: N/A

Examiner: N/A

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL"Express Mail" Mailing Label No. EL399233620US

Date of Deposit: February 24, 2000

Attention: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I hereby certify that

- Reply to Notice to File Missing Parts of Application
- Notice to File Missing Parts of Application
- Combined Declaration and Power of Attorney
- Check in amount of \$ 130.00 as surcharge fee
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Attention: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Date: February 24, 2000
14500 Avion Parkway, Suite 300
Chantilly, Virginia 20151-1101
Telephone: 703-679-9300
Fascimile: 703-679-9303

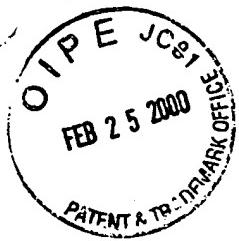
Lisa K. Robbins

Name of person mailing papers

Lisa K. Robbins

Signature

HB



PATENT
101.0084-00000
Express Mail Label No. EL399233620US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: 09/457,228

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For: SPINAL IMPLANT SURFACE
CONFIGURATION

Art Unit: N/A

Examiner: N/A

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF APPLICATION**

Attention: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the "Notice to File Missing Parts of Application, Filing Date Granted," dated January 18, 2000, response to which is due March 18, 2000, enclosed are the following:

- A copy of the "Notice to File Missing Parts of Application Filing Date Granted".
- A "Declaration" executed by the inventor(s).
- An executed "Power of Attorney by Assignee".
- An executed "Verified Statement Claiming Small Entity Status".
- A "Petition for Extension of Time" for ____ month(s) and a check for the required fee in the amount of \$ ____.
- A check in the amount of \$ ____ in payment of the filing fee.
- A check in the amount of \$130.00 to cover the surcharge.

The Commissioner is authorized to charge any additional amounts due in connection with this matter to our Deposit Account No. 50-1066. (A copy of this letter is enclosed).

Respectfully submitted,
Date: February 24, 2000

By: *Amedeo E. Ferraro*
Amedeo E. Ferraro
Registration No. 37,129
Attorney for Applicant(s)

MARTIN & FERRARO, LLP
14500 Avion Parkway, Suite 300
Chantilly, Virginia 20151-1101
Customer No. 22882
Telephone: 703-679-9300
Facsimile: 703-679-9303



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
09/157.228	12/02/99	MICHELSON	G 101.0084-004

022982
MARTIN G. FERRARO
14500 AVION PARKWAY
SUITE 300
CHANTILLY VA 20151-1101

0262/0118*

NOT ASSIGNED

0738

DATE MAILED:

01/18/00

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) non-small entity is \$ 130

1. The statutory basic filing fee is:
 missing.
 insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

3. The oath or declaration:
 is missing or unsigned.
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted Inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
 7. Your filing receipt was mailed in error because your check was returned without payment.
 8. The application was filed in a language other than English.
 Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Washington
Customer Service Center
Initial Patent Examination-Division (703) 308-1202

03/02/2000 11:59:01 09457228 01 FC105